

SENATE, No. 1249

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED FEBRUARY 21, 2008

Sponsored by:

Senator GERALD CARDINALE

District 39 (Bergen)

Co-Sponsored by:

Senators Connors, Bucco, Singer, Haines, T.Kean and Kyrillos

SYNOPSIS

Grandfathers use of certain dry cleaning equipment and machinery and perchloroethylene by dry cleaners.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning dry cleaning facilities and supplementing
2 chapter 2C of Title 26 of the Revised Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. The Legislature finds and declares that the recently proposed
8 Department of Environmental Protection regulations concerning dry
9 cleaning facilities, equipment and operations are overly burdensome
10 and destructive to essential small businesses in the State; that the
11 environmental, health and societal benefits of complying with these
12 proposed regulations compared with the benefits of complying with
13 the federal requirements for dry cleaning facilities, equipment and
14 operations are insignificant, especially when considering the
15 onerous burden such compliance places on small dry cleaning
16 businesses; and that, while well-intentioned, the department
17 regulations go too far beyond what is necessary to protect the public
18 health and welfare.

19 The Legislature therefore determines that dry cleaning facilities,
20 equipment and operations should be required to comply with federal
21 requirements and prohibitions, the Department of Environmental
22 Protection should be prohibited from imposing any additional
23 requirements, and that the use and operation of third generation dry
24 cleaning equipment and machinery that was properly permitted
25 according to federal law, regulation, and requirements on and
26 before January 1, 2008 should be grandfathered by State law and be
27 allowed to properly operate according to the specifications and
28 conditions of that generation of equipment and machinery until they
29 can no longer do so without replacement.

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31 2. The Department of Environmental Protection shall not require
32 any dry cleaning facility or operation to comply with air permitting
33 requirements or requirements concerning the use of
34 perchloroethylene other than those established and imposed by
35 federal law, rule, or regulation.

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37 3. a. Notwithstanding any other provision of law, or rule or
38 regulation adopted pursuant thereto, to the contrary, no dry cleaning
39 facility, which is properly permitted on and before January 1, 2008
40 in accordance with federal law, regulation, and requirements, shall
41 be required to replace dry cleaning equipment or machinery in
42 operation in the facility on or after the effective date of this act,
43 provided that any co-residential dry cleaning facility ceases
44 operations or ceases to be a co-residential dry cleaning facility by
45 January 1, 2021, and compliance with federal law, regulation, and
46 requirements concerning dry cleaning facilities, equipment, and
47 machinery do not require such a replacement. The Department of
48 Environmental Protection shall provide in its rules and regulations

1 for the continued permitting of such a dry cleaning facility with
2 such dry cleaning equipment or machinery in operation on and after
3 January 1, 2008.

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5 4. No dry cleaning equipment or machinery that does not meet
6 federal or State standards for such equipment or machinery as of
7 January 1, 2008 may be sold or resold in the State.

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9 5. The use of perchloroethylene by dry cleaning facilities or
10 operations in the State, or the sale of perchloroethylene to such
11 facilities, shall not be prohibited by the Department of
12 Environmental Protection by rule or regulation or otherwise, until
13 third generation, fourth generation, or subsequent generation
14 equipment and machinery that require perchloroethylene to operate
15 properly, properly permitted and operating on the effective date of
16 this act, require replacement due to age and ability to operate.

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18 6. This act shall take effect immediately.

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STATEMENT

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23 This bill prohibits the Department of Environmental Protection
24 from imposing any requirements in addition to federal requirements
25 and prohibitions imposed on dry cleaning facilities, equipment and
26 operations. The bill further grandfathers the use and operation of
27 third generation dry cleaning equipment and machinery that was
28 properly permitted on and before January 1, 2008 until it can no
29 longer be used or operated without replacement, provided the
30 equipment and machinery comply with federal law, regulation, and
31 requirements. Finally, the bill prohibits any ban on the use of
32 perchloroethylene by dry cleaning facilities, or the sale of
33 perchloroethylene to such facilities, until third generation, fourth
34 generation, or subsequent generation equipment and machinery that
35 require perchloroethylene to operate properly, properly permitted
36 and operating on the effective date of the bill, require replacement
37 due to age and ability to operate.